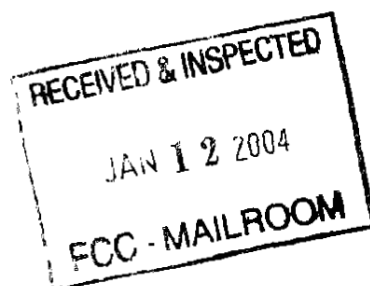


January 2, 2004



DOCKET FILE COPY ORIGINAL

Ms. Marlene Dortch
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
12th Street Lobby - TW - A325
Washington, D.C. 20554

Re: Petition for Rule Making
Cherokee, Oklahoma

Dear Ms. Dortch:

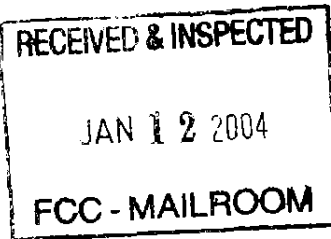
Enclosed is an original and four (4) copies of a Petition
for Rule Making to add Channel 233A at Cherokee, Oklahoma.

Respectfully submitted,

Katherine Pyeatt
6655 Aintree Circle
Dallas, Texas 75214
(214) 363-6030 Tele

<Cherokee>

No of Copies 0+4
List ABCDE MB
04-8



Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of 73.202 (b)) MB Docket No. ____
Table of Allotments)
FM Broadcast Stations)
(Cherokee, OK))

To: John Karousos, Assistant Chief
Audio Division of the
Media Bureau

PETITION FOR RULE MAKING

Pursuant to 47 C.F.R. 1.401, Katherine Pyeatt respectfully petitions the FCC to institute a Rule Making proceeding to amend the FM Table of Allotments to add Channel 233A at Cherokee, Oklahoma.

DISCUSSION

Petitioner respectfully submits that the public interest would be served by allocating Channel 233A to Cherokee, Oklahoma as that community's first local FM service. Cherokee is an incorporated community with its own zip code and a population of 1,638 persons.¹ Cherokee has its own Mayor, its own school system, its own volunteer fire department, police department, post office and a number of local churches. Cherokee is a community that is certainly deserving of local FM service. The proposed channel 233A will provide additional diversity and an outlet for local self-expression to Cherokee residents and therefore is in the public interest.

In order for Channel 233A to be allotted at Cherokee, Oklahoma, station KHBZ Channel 234C in Oklahoma City, Oklahoma will need to be reclassified to a C0. Pursuant to MM Docket 98-93, I am making a formal request for station KHBZ in Oklahoma City to be reclassified from a C to a C0. (See, Attachment A, Request to Reclassify statement)

¹ US Census 2000

Attached hereto is a channel study confirming that Channel 233A can be allocated to Cherokee, Oklahoma, consistent with the FCC's FM separation rules, provided 234C in Oklahoma City is reclassified to a C0. See revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992). (See, Attachment B)

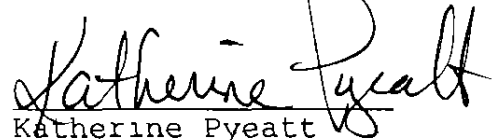
Reference coordinates for Channel 233A at Cherokee, Oklahoma are:

36 52 15 N
98 23 00 W

Should this petition be granted and Channel 233A be allotted to Cherokee, Oklahoma, Petitioner will apply for Channel 233A at Cherokee and after it is authorized, will promptly construct the new facility.

The factual information provided in this Petition for Rule Making is correct and true to the best of my knowledge.

Respectfully submitted,



Katherine Pyeatt
6655 Aintree Circle
Dallas, Texas 75214
(214) 363-6030 Tele

cc: Gene A. Bechtel, Law Office of Gene Bechtel, Suite 600, 1050 17th Street, N.W., Washington, D.C. 20036, telephone (202) 496-1289, telecopier (301) 762-0156, attorney for Katherine Pyeatt. It is requested that the Commission and any parties who may file pleadings in the captioned matter serve copies to Mr. Bechtel as well as Ms Pyeatt.

January 2, 2004

Attachment A

Katherine Pyeatt
6655 Aintree Circle
Dallas, Texas 75214

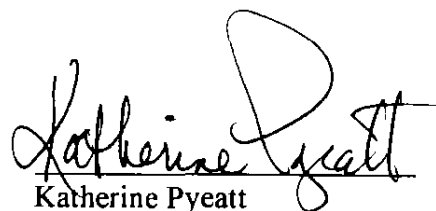
Petition for Rule Making
FM Channel 233A
Cherokee, Oklahoma
January 2, 2004

Attachment A

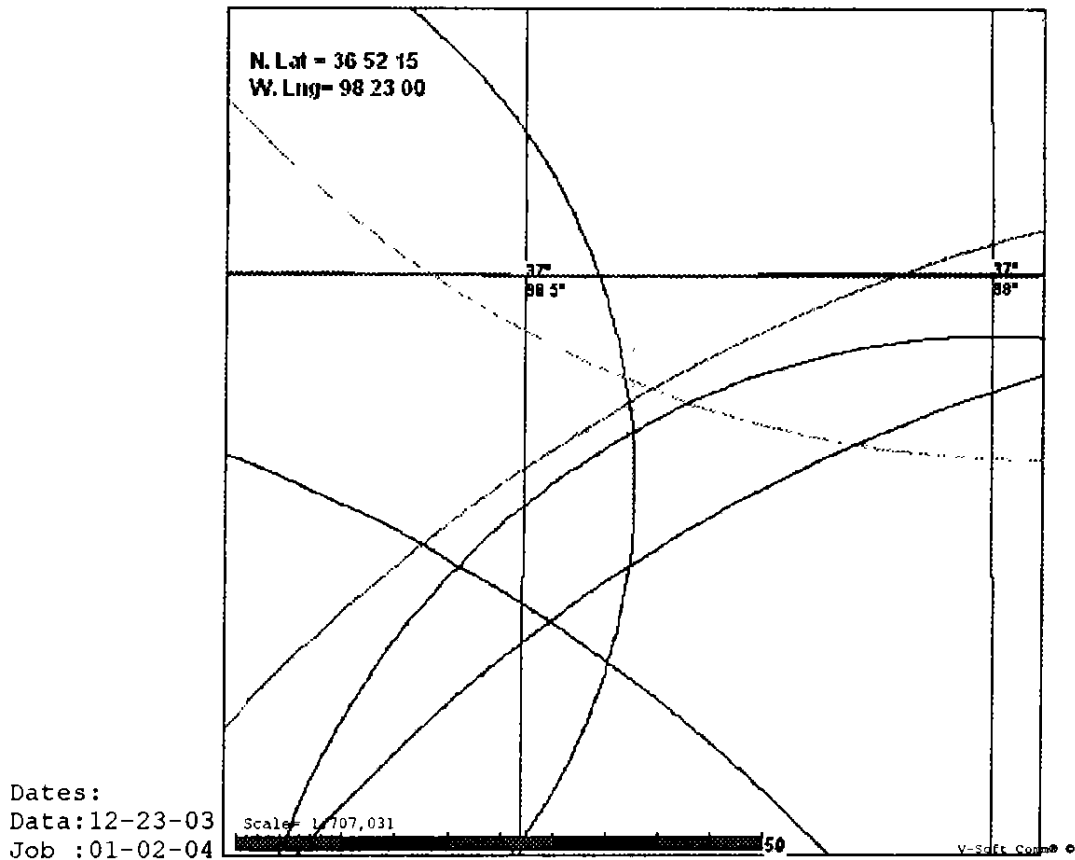
**Request to Reclassify
Station KHBZ(FM), Oklahoma City, Oklahoma
Pursuant to MM Docket 98-93**

Radio Station KHBZ(FM), Oklahoma City, Oklahoma is licensed to Clear Channel Broadcasting Licenses Inc , 2625 South Memorial Drive, Suite A, Tulsa, Oklahoma 74129, (Facility ID 11964), FCC File No. BLH 20000105AAN. The facility operates with a power of 100 kilowatts with center of radiation 372 meters height above average terrain. The above captioned Docket 98-93 provides the mechanism to automatically downgrade a Class C facility to Class C0 when a demand is made for the spectrum, as is the case here Katherine Pyeatt respectfully requests that the license of Radio Station KHBZ(FM) be modified to specify operation on FM Channel 234C0 instead of on FM Channel 234C in accordance with the above Docket which provides for such downgrades when a demand for the unused spectrum is made, as is the case here

Katherine Pyeatt, the proponent of Channel 233A/ Cherokee, Oklahoma, in accordance with the above Docket, formally requests that the Commission reclassify Radio Station KHBZ(FM) as a Class C0 facility Katherine Pyeatt certifies that no alternative channel is available for the service he proposes at Cherokee, Oklahoma as is proposed in the Petition for Rule Making. A copy of this Petition for Rule Making is being served on Clear Channel Broadcasting Licenses Inc , as is required in the above Docket

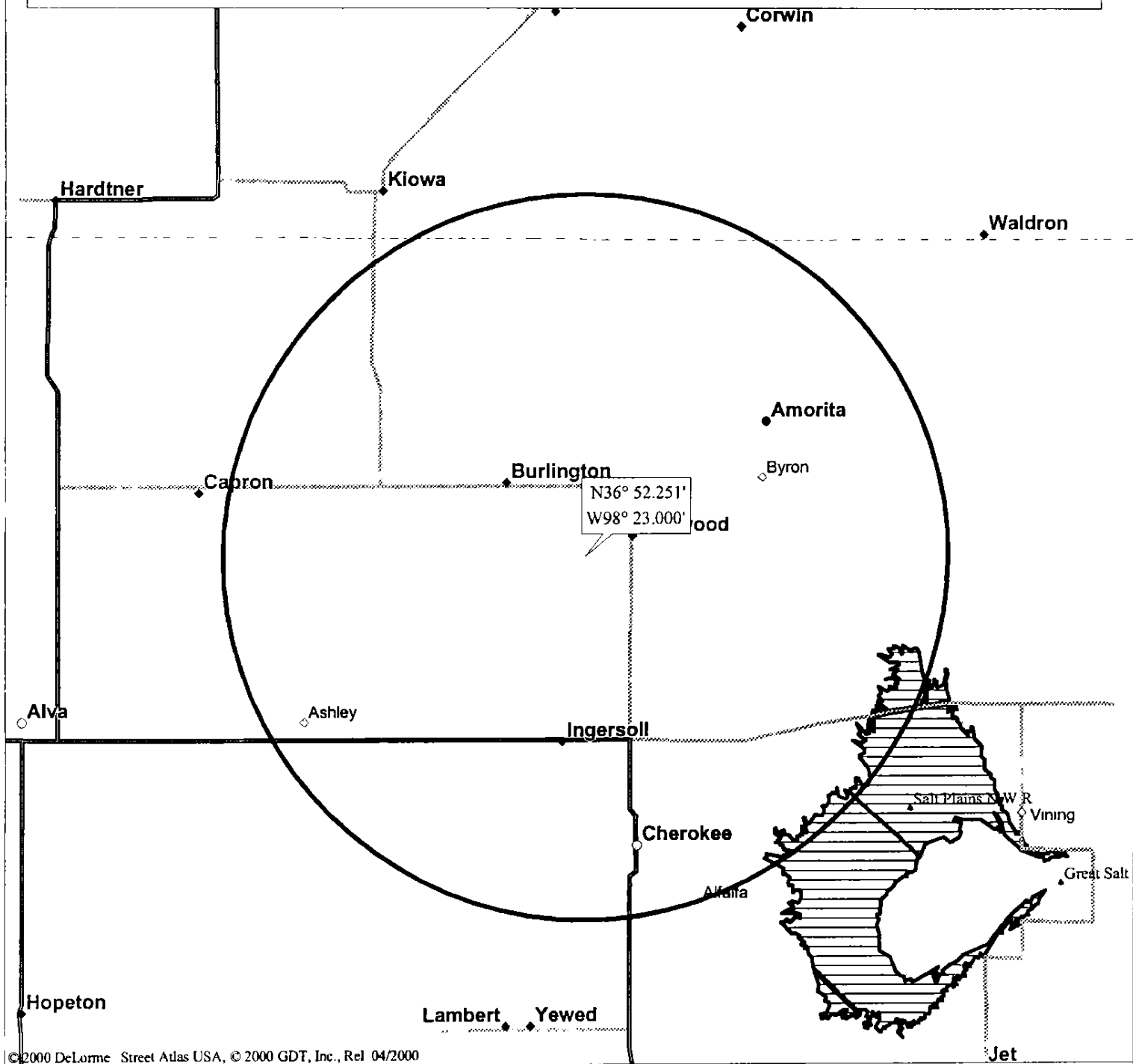

Katherine Pyeatt

Attachment B



Call	CH#	Type	Location		D-KM	Azi	FCC	Margin
RDEL	234C	DEL	Oklahoma City	OK	162.52	150.2	165.0	-2.48
KHBZFM	234C*	LIC N	Oklahoma City	OK	162.52	150.2	165.0	-2.48
RADD	231C2	ADD	Waynoka	OK	55.00	264.7	55.0	0.00
RADD	232A	ADD	Drummond	OK	72.04	151.6	72.0	0.04
KCVW	232C2	LIC	Kingman	KS	110.22	20.3	106.0	4.22
RADD	234C0	ADD	Oklahoma City	OK	162.52	150.2	152.0	10.52
RADD	233C2	ADD	Elk City	OK	185.02	211.8	166.0	19.02
KGGG.A	234C2	APP N	Sterling	KS	150.87	2.2	106.0	44.87
KICTFM	236C1	LIC	Wichita	KS	127.68	35.8	75.0	52.68
ALLO.V	233A	VAC	Pawhuska	OK	180.79	92.9	115.0	65.79
KGGG	234C3	LIC N	Sterling	KS	156.75	5.8	89.0	67.75
KIMY	230A	LIC	Watonga	OK	107.20	180.1	31.0	76.20
KDGS	230C3	LIC	Andover	KS	124.42	47.9	42.0	82.42
WIBWFM	233C*	LIC	Topeka	KS	313.40	40.1	226.0	87.40
KSKL	233C1	LIC	Scott City	KS	288.94	310.4	200.0	88.94
RDEL	232C3	DEL	Elk City	OK	185.02	211.8	89.0	96.02
KFBZ	287C*	LIC	Haysville	KS	126.96	37.2	29.0	97.96
KXOO	232C3	LIC	Elk City	OK	191.01	211.9	89.0	102.01
KFBZ.A	287C0	APP	Haysville	KS	128.18	36.0	25.0	103.18
KOSB	286A	LIC	Perry	OK	115.02	127.5	10.0	105.02
WIBWFC	233C0	CP	Topeka	KS	322.84	41.3	215.0	107.84
970722	235C1	APP	Canadian	TX	197.51	243.7	75.0	122.51
KSYV	287A	LIC	Kingfisher	OK	134.86	160.1	10.0	124.86
KZRD	230C1	LIC	Dodge City	KS	207.84	305.2	75.0	132.84

Cherokee, OK CH 233A 70 dBu



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Mag 11 00

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Scale 1 250,000 (at center)

5 Miles

5 KM

- US Highway
- Major Connector
- State Route
- County Seat
- Small Town
- Park/Reservation
- Locale
- State Boundary

- Land
- Water
- Inundated Area

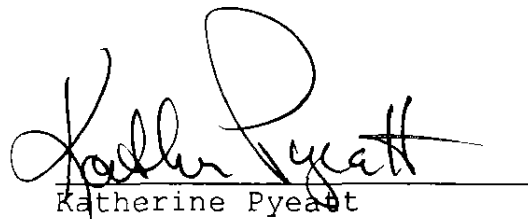
CERTIFICATE OF SERVICE

I, Katherine Pyeatt, hereby certify that on this 2nd day of January, 2004, I caused copies of the foregoing "Petition for Rule Making for Cherokee, Oklahoma" to be placed in the U.S. Postal Service, first class postage prepaid, addressed to the following persons:

Ms. Marlene Dortch
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
12th Street Lobby-TW-A325
Washington, D.C. 20554

Gene Bechtel, Esq.
Law Offices of Gene Bechtel, P.C.
1050 17th Street, N.W., Suite 600
Washington, D.C. 20036-5517
(Counsel for Petitioner)

Clear Channel Broadcasting Licenses Inc.
Station KHBZ
2625 South Memorial Drive, Suite A
Tulsa, Oklahoma 74129


Katherine Pyeatt